

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN DAWSON,

Defendant.

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8:08CR152

**PRELIMINARY ORDER
OF FORFEITURE**

This matter is before the Court on the United States' Motion for Issuance of Preliminary Order of Forfeiture and Memorandum Brief (Filing No. 31). The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. In Count II of said Indictment filed in this case, the United States seeks forfeiture of the following property, pursuant to 18 U.S.C. § 2253:

- a. eMachine laptop computer model eSlate 400K; with serial number SV29C 00002611. Toshiba hard drive, model MK4313MAT, with serial number Y9M56954T.
- b. Dell desktop computer model XPS 600; with serial number FMVNC91; Seagate hard drive, model ST3160828AS, with serial number 5MT3GBCZ.
- c. Eleven (11) Compact Disks, one Zip Disk, and one Floppy Disk.

on the basis these items were used or were intended to be used in any manner to promote the commission of the aforementioned violation of 18 U.S.C. §2252(a)(4)(B), charged in Count I of the Indictment.

2. The Defendant has entered into a Plea Agreement, whereby he has agreed to plead guilty to Counts I and II of the Indictment. Count I charges the Defendant with

possession of child pornography, a violation of 18 U.S.C. § 2252(a)(4)(B). Count II of said Indictment charges the Defendant with using the personal properties described above in paragraph 1., above, in any manner to promote the commission of the aforementioned violation of 18 U.S.C. §2252(a)(4)(B).

3. By virtue of said plea of guilty, the Defendant forfeits his interest in the subject properties, and the United States should be entitled to possession of said properties, pursuant to 18 U.S.C. § 2253.

IT IS ORDERED:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture (Filing No. 31) is hereby sustained.

B. Based upon Count II of the Indictment and the Defendant's plea of guilty, the United States is hereby authorized to seize the following-described property:

- a. eMachine laptop computer model eSlate 400K; with serial number SV29C 00002611. Toshiba hard drive, model MK4313MAT, with serial number Y9M56954T.
- b. Dell desktop computer model XPS 600; with serial number FMVNC91; Seagate hard drive, model ST3160828AS, with serial number 5MT3GBCZ.
- c. Eleven (11) Compact Disks, one Zip Disk, and one Floppy Disk.

C. Defendant's interest in said properties are hereby forfeited to the United States of America for disposition in accordance with the law, subject to the provisions of 18 U.S.C. § 2253.

D. The aforementioned forfeited property is to be held by the United States in its secure custody and control.

E. Pursuant to 18 U.S.C. § 2253, the United States forthwith shall publish at least once for three successive weeks in a newspaper of general circulation, in the county where the subject property is situated, notice of this Order, Notice of Publication evidencing the United States' intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in any of the subject forfeited property must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E., above, shall be for a hearing to adjudicate the validity of the Petitioner's alleged interest in the property, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject property and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 18 U.S.C. § 2253, in which all interests will be addressed.

DATED this 19th day of August, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge